

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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MISTY YOUNG,  
Plaintiff.

vs.  
HARBAUGH LAS VEGAS COR  
Defendants

G4 SOLUTIONS (USA) INC.,  
Third Party Plaintiff,  
vs.  
NATHAN WELCH, an individual,  
Third Party Defendant

NATHAN WELCH, an individual,  
Third Party Plaintiff/  
Third Party Defendant,

MISTY YOUNG, individually,  
Third Party Defendant/  
Third Party Plaintiff.

2:12-cv-01404-RCJ-VCF

## ORDER

**(Motion For Leave to Amend Answer #41,  
Motion For Leave to File Crossclaims #43,  
Motion For Leave to File Third Party  
Complaint #44)**

Before the court are defendant Harbaugh Las Vegas Corporation’s (“Harbaugh”) Motions for Leave to File Amended Answer (#41), Crossclaims against G4S Secure Solutions (“G4S”) (#43), and Third-Party Complaint against Nathan Welch (#44).<sup>1</sup> No Opposition was filed.

<sup>1</sup>The three motions are identical. The Clerk's office split the document titled "Defendant Harbaugh's Motion For Leave To File Amended Answer To Amended Complaint and Cross-Claim Against G4S Secure Solutions (USA) Inc., and Third-Party Complaint Against Nathan Welch" into three separate motions (#41, #43, and #44) pursuant to Special Order 109. The court will handle the three motions (#41, #43, #44)(collectively referred to as #41) together.

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2       **A.     Background**  
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4       This action arises out of an incident that allegedly occurred on June 3, 2011, between plaintiff  
5 Misty Young (“Young”) and third-party defendant Welch. (#36). At the time of the alleged incident,  
6 Young and Welch were both apprentice carpenters, staying at the union’s dormitory while they attended  
7 a training program. (#33). The union contracted with defendant Harbaugh to run the dormitory. *Id.*  
8 Harbaugh contracted with G4S to provide security and manpower to operate the dormitory during the  
9 graveyard shift. *Id.* Plaintiff Young alleges that defendant Harbaugh’s employee provided Welch with  
10 access to Young’s room. (#15). The plaintiff further alleges that she was sexually assaulted by Welch,  
resulting in severe bodily injury. *Id.*

11       Plaintiff Young filed an amended complaint on September 11, 2012, alleging causes of action  
12 against defendants Harbaugh and G4S for (1) Negligence, premises liability; (2) Negligence, hiring and  
13 supervision; and (3) Conscious Disregard, exemplary and punitive damages. (#15). On October 23,  
14 2012, G4S filed an answer to the amended complaint (#15) and a third-party complaint against Welch.  
15 (#21). On November 29, 2012, Harbaugh filed an answer to the amended complaint. (#26). On  
16 February 15, 2013, Harbaugh filed a motion for leave to file crossclaims against G4S and a third-party  
17 complaint against Welch. (#33). G4S filed an opposition. (#36). Harbaugh filed a Reply to G4S’s  
18 opposition. (#37). Welch did not file an opposition to the motion for leave to file a third-party  
19 complaint (#33). The court issued an order denying, without prejudice, the motion for leave to file  
20 crossclaims against G4S and third-party complain against Welch. (#40). On April 18, 2013, Harbaugh  
21 filed the instant motion for leave to file an amended answer to amended complaint and crossclaims  
22 against G4S and third-party complaint against Welch. (#41). No opposition was filed.

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2       **B. Motion for Leave to Amend Answer**

3       On February 15, 2013, defendant Harbaugh sought leave of this court to file crossclaims against  
4 G4S and a third party complaint against Welch. (#33). On April 5, 2013, the court issued an order  
5 denying without prejudice Harbaugh's motion for leave to file crossclaims and third party complaint  
6 (#33). (#40). The court ordered that, on or before April 19, 2013, Harbaugh may (1) re-file the motion  
7 for leave to amend its answer with an attached proposed amended answer including the crossclaims and  
8 third party complaint or (2) re-file the motion for leave to amend its answer with an attached proposed  
9 amended answer including only the crossclaims and a separate proposed third-party complaint. *Id.*

10      Upon review of Harbaugh's motion (#41) and attached proposed amended answer (#41-1)<sup>2</sup>, the  
11 court finds that defendant Harbaugh has complied with the court's order (#40) and that granting leave is  
12 appropriate. *See* Federal Rule of Civil Procedure 15. Under Local Rule 15-1(b), “[a]fter the Court has  
13 filed its order granting permission to amend, the moving party shall file and serve the amended  
14 pleading.” As the court grants Harbaugh's motion (#41), Harbaugh must file and serve the amended  
15 answer (#41-1) on or before May 6, 2013.

16      Accordingly and for good cause shown,

17      IT IS ORDERED that defendant Harbaugh's Motion For Leave to Amend file Motion For  
18 Leave to Amend Answer (#41), Motion For Leave to File Crossclaims (#43), Motion For Leave to File  
19 Third Party Complaint (#44) are GRANTED.

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<sup>2</sup> Harbaugh's proposed amended answer includes its crossclaims against G4S and its third party complaint against Welch. (#41-1).

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2 IT IS FURTHER ORDERED that, on or before May 6, 2013, Harbaugh must file and serve the  
3 amended answer (#41-1).

4 DATED this 22<sup>nd</sup> day of April, 2013.



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6 CAM FERENBACH  
7 UNITED STATES MAGISTRATE JUDGE  
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